

HOUSE BILL 2033

By Coley

AN ACT to amend Tennessee Code Annotated, Title 36,  
Chapter 3, Part 6, relative to wireless telephone  
service for victims of domestic violence.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 3, Part 6, is amended by  
adding the following new section:

(a) A petitioner may, in addition to filing a petition, request that the court issue an  
order directing a wireless telephone service provider to transfer the billing responsibility  
for and rights to the wireless telephone number or numbers to the petitioner if the  
petitioner:

(1) Is not the account holder; and

(2) Proves by a preponderance of the evidence that the petitioner and  
any minor children in the petitioner's care are the primary users of the wireless  
telephone numbers that will be ordered transferred by a court under this  
subsection (a).

(b)

(1) An order transferring the billing responsibility for and rights to the  
wireless telephone number or numbers to a petitioner under subsection (a) must  
be a separate order that is directed to the wireless telephone service provider.

(2) The order shall list:

(A) The name and billing telephone number of the account holder;

(B) The name and contact information of the petitioner to whom  
the telephone number or numbers will be transferred; and

(C) Each telephone number to be transferred to the petitioner.

(3) The court shall ensure that the petitioner's contact information is not provided to the account holder in proceedings held under this section.

(4) The order shall be served on the wireless telephone service provider's agent for service of process.

(5) The wireless service provider shall notify the requesting party if the wireless telephone service provider cannot operationally or technically effectuate the order due to certain circumstances, including when:

(A) The account holder has already terminated the account;

(B) Differences in network technology prevent the functionality of a device on the network; or

(C) There are geographic or other limitations on network or service availability.

(c)

(1) Upon a wireless telephone service provider's transfer of billing responsibility for and rights to a wireless telephone number or numbers to a petitioner under subsection (b), the petitioner shall assume:

(A) Financial responsibility for the transferred wireless telephone number or numbers;

(B) Monthly service costs; and

(C) Costs for any mobile device associated with the wireless telephone number or numbers.

(2) A transfer ordered under subsection (b) does not preclude a wireless telephone service provider from applying any routine and customary requirements for account establishment to the petitioner as part of the transfer of billing responsibility for a wireless telephone number or numbers and any devices

attached to that number or numbers, including, but not limited to, identification, financial information, and customer preferences.

(d) This section does not affect the ability of the court to apportion the assets and debts of the parties as provided for in law, or the ability to determine the temporary use, possession, and control of personal property under this chapter.

(e) Notwithstanding any other provision of the law to the contrary, a wireless telephone service provider, or an officer, employee, assign, or agent of the wireless telephone service provider is not civilly liable for action taken in compliance with an order issued under this section or for a failure to process an order issued under this section.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.